



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,745	12/14/2001	Andre Colens	21413-PCT-PA	4195

7590

10/28/2003

ARMSTRONG, WESTERMAN & HATTORI, LLP
502 WASHINGTON AVENUE
SUITE 220
Towson, MD 21204

EXAMINER

PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,745

Applicant(s)

COLENS, ANDRE

Examiner

Meredith C Petravick

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-20,23-26,28,31,32,34 and 35 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 18-20,23-26,28,31,32,34 and 35 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 18-20, 23-26, 28, 31-32 and 34-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claims 18 states, "a system for pickup up objects." However, the body of the claim includes addition functional language of "a mechanical device for gripping and storing golf balls, dead leaves and paper sheets." These two statements make the scope of the claim unclear. For the purpose of examination, it is assumed that the system is for picking up golf balls, dead leave and paper sheets since applicant argues this limitation. Therefore, the system is considered as having to be able to pick up golf balls, dead leave and paper sheets.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-20, 23-25, 28, 31-32 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinger 3,550,714 in view of Dudley, 5,025,620.

In regards to claims 18, 34 and 35, Bellinger discloses a system with a mower that runs over a delimited surfaced including:

- an automatic mobile machine (A) an onboard computer (G)
- at least one motor (23) with a power source (Column 9, line 7-8).
- a wire(c) for limiting the surface
- at least one station (71)

Bellinger fails to disclose a mechanical device for gripping and storing dead leaves, golf balls and paper sheets inside a container that can be emptied. However, Bellinger teaches that even though the embodiment described in detail is a lawn mower, the device could be used to perform other agricultural tasks in a bounded area (Column 1, lines 5-13).

Like Bellinger, Dudley discloses a machine for performing an agricultural task under a tree. The task in Dudley is gathering nuts. The system includes a mechanical device for gripping and storing objects (20) that is a roller with spikes (25). The nuts are placed in a container (33) that is held on a device (29) that allows the container to be emptied.

Given the teaching in Bellinger, it would have been obvious to one of ordinary skill in the art, to make the device of Bellinger a nut gatherer with the mechanical device for gripping and storing items inside a container, as one type of agricultural task that could be automated.

The combination of Bellinger and Dudley is capable of picking up golf balls, paper sheets or nuts.

In regards to claims 19 and 20, the power source is a rechargeable battery and the station also includes a recharger for recharging the batteries (Column 9, lines 5-8).

In regards to claims 23-24, the surface-limiting device is a wire (c) at the periphery of the surface and a detector (41 and 42). The mobile machine reaches the station (71) by following the wire.

In regards to claim 25, the station (71), which includes the recharger, is located within the proximity of persons using the system (Column 9, lines 5-8).

In regard to claim 27, the mobile machine proceeds over the delimited pick up surface in a random manner (Fig. 1).

3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinger in view of Dudley as applied to claim 18 above, and further in view of Reed.

The combination discloses the claimed device except for equipping the station with a ball recovery bowl, a ball lifting system and duct to transfer the balls in the container to the station.

Like the combination, Reed discloses an automatic object collection system that is stored in a housing when not in use. Unlike the combination, Reed provides a system for emptying the container in the station. The station includes a ball recovery bowl (91), a ball lifting system and a duct (116 and 114), which is adapted to convey ball partly by gravity (in part 116). Reed teaches that this provides more efficient collection and less frequent emptying of the container for the operator (Column 10, lines 8-23).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the station in the combination with the system for emptying the container in the station in Reed, in order to facilitate efficiency.

4. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinger in view of Dudley as applied to claim 32 above, and further in view of Zick 3,197,951.

The combination of Bellinger and Szymanis above disclose the claimed invention except for the deflector arms, which are adapted to the direct objects toward the gripping device.

Like the combination, Zick also discloses a mower. Unlike the combination, Zick discloses providing deflector arms (Fig. 1) on a mower to direct grass toward the device.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the mower of the combination with deflector arms as in Zick, in order to increase efficiency by directing objects toward the mower.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection. Applicant amended claim 18. In response to the amendment, the claims are now rejected as detailed above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dyer 3,989,151 discloses that a brush could pickup a golf ball.

7. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

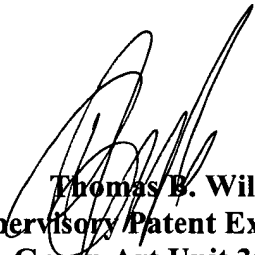
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith Petravick whose telephone number is 703-305-0047. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Art Unit: 3671

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-305-3597.



Thomas E. Will
Supervisory Patent Examiner
Group Art Unit 3671

MCP
October 19, 2003